

SUPREME COURT OF ARKANSAS

No.

IN RE: Arkansas Lawyers Assistance
Program

Opinion Delivered 11-30-06

PER CURIAM

In November of 1999, the Arkansas Bar Association and the Pulaski County Bar Association filed a petition with this court asking that we adopt the “Arkansas Lawyers Assistance Program.” In that petition, the petitioners stated, “The Arkansas Bar Association and the Pulaski County Bar Association believe a need exists to assist lawyers, law students, and Judges who are impaired by substance abuse, depression, and similar problems so that they may be persuaded to obtain treatment to assist them to overcome their problems, recover, and return to being responsible, productive members of the legal profession and of society. Further, a need exists to protect clients and the public from harm caused by impaired lawyers and Judges.”

On July 7, 2000, we proposed the creation of a program for lawyers and judges and published for comment proposed rules for its operation. On December 7, 2000, by *per curiam* order, we created the Arkansas Lawyers Assistance Program (ArLAP) and adopted rules governing its operation. We concluded that the assertions of the petitioners pertaining to the

need for such a program were likely well founded. However, we chose to include a “sunset” provision which would cause ArLAP to cease to exist on December 31, 2006, absent further orders from this court.

Since the adoption of that *per curiam* order, this court has had the benefit of annual consultations with the professional staff employed to administer the program. During those meetings, we have been kept apprised of the development of the program as well as the evidence of the need for such a program. ArLAP has been utilized by at least 165 members of the bench and bar to cope with one or more of the difficulties outlined in the original petition. The number of participants continues to increase each year. Further, the participants have come from all sections of the state, closely reflecting the distribution of population within the state.

Rule VII of the ArLAP rules provides that the Committee on Professional Conduct or the Judicial Discipline and Disability Commission may refer individuals to ArLAP as part of the disciplinary process. Since the inception of the program, a number of attorneys and judges have been referred to ArLAP. Providing such an option broadens the available resources for dealing with disciplinary issues arising from alcoholism, substance abuse, or other infirmities.

In order to provide funding, by *per curiam* order of September 16, 2004, we directed that \$20.00 of each annual license fee would be allocated to this program. We have learned that such a level of funding has proven to be adequate under current circumstances. The court is also informed that the ArLAP committee has recently established a non-profit foundation by which they seek contributions to further assist in the funding of ArLAP.

We conclude that the number of lawyers, judges, family members, and clients who have been positively affected by the existence of ArLAP is compelling evidence of the need for the program. We direct that the Arkansas Lawyers Assistance Program continue to exist in accordance with the rules and regulations originally adopted on December 7, 2000, as later amended, pending further orders of this court.